THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.NO. 15400 OF 2006
Dated: 25-07-2006

Between:

Gedam Madhav

Petitioner

And

The Revenue Divisional Officer-cum-Election Authority,
Adilabad Revenue Division and another

Respondents

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.NO. 15400 OF 2006

ORDER:

1. The disqualification alleged appears to be that the petitioner is a member of Telecom Advisory Committee. It is stated that the petitioner submitted his resignation. It is also stated by the learned counsel that there is no necessity of submitting any resignation at all since it is not a disqualification at all under any provision of A.P.Panchayat Raj Act, 1994. The learned counsel had also drawn attention of this Court to Section 19 (2)(d) of the Act and also the impugned order and would maintain that prima facie the order being arbitrary, he may be permitted to contest the election.

2. The Writ Petition is filed for writ of mandamus declaring the action of the 2nd respondent in rejecting the nomination of the petitioner to the post of Sarpanch, Bela Gram Panchayat, Adilabad district and as confirmed by the 1st respondent in G/1-GP/Elec-2006, dated 22.07.2006 as illegal and arbitrary and violative of Article 14 of the Constitution of India and pass such suitable orders.

3. Prima facie, this Court is satisfied that the impugned order appears to be without proper application of mind and legal position involved in the matter. Be that as it may, at this stage of election this Court as a writ court is not inclined to interfere when the

petitioner is having effective remedy by way of election petition.

4. With the above observation, the writ petition is disposed of. No order as to costs.

_____

25-07-2006

Stp